

TWELFTH DAY

(Wednesday, February 1, 1961)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent—Excused

Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, righteousness exalteth a nation; but sin is a reproach to any people. Make us aware of the destructive power of sin, and teach us that our state is no better than its citizens, and no stronger than those in whom it puts its trust. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 45

Senator Hardeman offered the following resolution:

Whereas, One hundred years ago—February 1, 1861—the Ordinance of Secession, designed "to dissolve the union between the State of Texas and the other states, united under the compact styled 'The Constitution of the United States of America'" was adopted by the State Convention in Austin, ably presided over by the "Old Alcalde," Judge Oran M. Roberts; and

Whereas, It was charged therein

that "the Federal Government has failed to accomplish the purposes of the compact of union between the States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens," and further, "the action of the Northern States of the Union is violative of the compact between the States and the guarantees of the Constitution" and that "the recent development in Federal affairs make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interest and prosperity of the people of Texas and her sister slave-holding states, instead of permitting it to be, as was intended, our shield against outrage and aggression"; and

Whereas, By reason of such derelictions and failures and acts of commission and omission, the delegates solemnly ordained that the Ordinance of Annexation, adopted July 4, 1845, and subsequently ratified by the people of Texas, under which The Republic of Texas was admitted into the Union be "repealed and annulled" and "that all the powers, which by said compact were delegated by Texas to the Federal Government are revoked and resumed" and "that Texas be absolved from all restraints and obligations incurred by said compact, and is a separate sovereign state, and that her citizens and people are absolved from all allegiance to the United States or the Government thereof"; and

Whereas, Such action was taken as the result of the firm belief of the delegates in the constitutional doctrine laid down in the "Forgotten Ninth" and in the Tenth Amendment of the Bill of Rights and the repeated violations thereof by the Federal Government which disregarded the principle of "the independent authority of the States" as reaffirmed, in 1868, by Chief Justice Salmon P. Chase in the case of Lane County v. Oregon, 7 Wall. 71, 76; and

Whereas, The present trend and practice has resulted, and is resulting, in the violation of "independent authority of the states" and the patent substitution of a "government of men for a government of laws" through the invocation of government by injunction; through judicial usurpation of constitutional guaranties and by the prostitution of legislative enactments; and

Whereas, Our hopes for the future, paraphrasing the language of Lord Kilmuir, the Lord Chancellor of England, lie in the fact that the ideals upon which constitutional government was founded have survived many tyrannies; and

Whereas, As stated by Mr. Justice Harlan, the elder, some fifty years ago, in *Ex Parte Young*, 209 U. S. 123, at pages 182-3, "the preservation of the dignity and sovereignty of the States, within the limits of their constitutional powers is of the last importance, and vital to the preservation of our system of government. . . . The country should never be allowed to think that the Constitution can, in any case, be evaded or amended by mere judicial interpretation, or that its behests may be nullified by an ingenious construction of its provisions"; and

Whereas, On February 4, 1861, a convention assembled in Washington, D. C., pursuant to a resolution of the General Assembly of Virginia, to discuss and devise ways and means of averting the impending tragedy soon to envelop the land and striving to maintain and preserve the Union, as darkening warclouds gathered over the land soon to erupt in a fratricidal holocaust of unparalleled ferocity; and

Whereas, These unsung patriots deserve the recognition and gratitude of patriotic Americans for their efforts—though futile—to settle the differences—real or imagined—magnified by hot-heads of both North and South, employing slavery as the "whipping boy"; and

Whereas, In the Centennial year of the beginning of the War Between the States, it is the desire of the Senate of Texas, on the anniversary of the adoption of the Ordinance of Secession, to recognize the patriotism of those dedicated sons of Dixie, such as Judge Roberts, distinguished soldier, statesman and jurist, Honorable John H. Reagan, lawyer, Postmaster-General of the Confederate States of America, United States Senator from Texas and Railroad Commissioner of Texas, and scores of other Texans, of no less noble station, many of whom have given their names to counties, cities and institutions of our great commonwealth; and to reaffirm the principles of constitutional government in all of its provisions and implications and that the separation of

the powers of government be maintained, to the end that the strength of our country be united at home, as well as in foreign affairs, well-knowing that a strong America internally assures a strong America externally and to express its appreciation of the efforts of the unsung patriots to preserve the Union and save our country from the desolation of war; now, therefore, be it

Resolved, By the Senate of Texas that, as a token of respect to the cause for which they dedicated themselves, and in gratitude for their sacrifices, to preserve those "principles sanctioned by the wisdom and approved by the experience of the ages," and to keep "the Constitution—a shield embossed by heavenly hands with the future history of our country," and for those assembling themselves in a final desperate effort to maintain the peace and preserve the Union, and when the Senate adjourns today, it do so in honor of those and other great Americans,

"Who kept the faith and fought the fight;

The glory theirs, the duty ours."

The resolution was read and was adopted.

Observance of the Centennial of the Adoption of the Texas Ordinance of Secession—February 1, 1961

The President recognized Senator Moffett and he asked unanimous consent of the Senate that the members of the "ROTC Confederates" of the University of Texas be allowed to post the colors.

There was no objection offered.

The members of the ROTC Confederates then advanced to the President's rostrum and posted the Confederate Flag in its proper position with the other flags under which Texas had served and took their place of honor in the Senate Chamber.

The President then recognized Senator Moffett for an address in observance of the Centennial of the Adoption of the Texas Ordinance of Secession on February 1, 1861.

Senator Moffett came to the Secretary of the Senate's stand and addressed the Senate as follows:

Mr. President and Members of the

Texas Senate. One hundred years ago today an outstanding historical event occurred in Austin, Texas, which well deserves recognition by this body at this time.

My only justification, if any, to dwell on this historical event is that both of my grandfathers were lieutenants in the armed forces of the Confederate States of America—one from Texas, the other from Arkansas. They both saw active service and one was captured in the Vicksburg campaign. My own father, who is still living, was born October 31, 1860, and remembers when my grandfather came home from the Civil War in May, 1865. He has many times told me of the reconstruction days which followed the war. From these and other personal contacts, I have often heard first-hand accounts of the war between the states and its many far-reaching ramifications, some of which definitely affect us even on this centennial day.

It was on February 1, 1861, that duly elected delegates adopted the Texas ordinance of secession at a convention assembled in this city. The debate preceding this action lasted for most of five days. The final vote was 166 for, 8 against.

It seems proper at this time to recall the background circumstances relating to the action of this secession convention. After thirty years of widespread agitation concerning state rights, and particularly the right of a state to secede from the Union, the general election of November 1860 resulted in the defeat of the Democratic party, and the election of the standard-bearer of a new and vigorous party pledged to a program which was most distasteful to, and resented by, the Southern States. Immediately there was public demand for secession, supported by an abundance of both legal and historical arguments. Yet only six states had actually seceded, nearly three months later, on February 1, 1861, when the Texas convention took the decisive step. Only one of the six which preceded Texas was located West of the Mississippi River. It was not at all certain at that time that even one more state would ever join those which had previously seceded.

On that date the formation of the government of the Confederate States of America was only a dim and uncertain prospect. Actually each of the

states which had previously seceded was preparing to individually defend its own borders as best it could. In Texas this was a most serious problem, in some respects far more serious than the problems which confronted the other seceded states. Texas had 600 miles of international boundary on the South and Southwest and a Western frontier where marauding Indians were a constant and ever-present threat. Federal troops had been withdrawn from the frontier, thereby exposing many Texas settlers to Indian depredations which were unknown in the other six previously seceded states.

Austin itself was little more than a frontier settlement. Communication was very slow and difficult. Transportation was usually by stagecoach or horseback. Arms and all kinds of military supplies were hard to secure, as most of them had to come from far off Northern factories. Furthermore, at the time that the Texas Secession Convention acted, census returns showed the population of the Northern States to be approximately twenty million people, while the population of the entire eleven states that finally seceded was only about eight million, and the population of those that had seceded on February 1, 1861, was not more than six and one-half million. The wealth and resources of the Northern States were estimated to be at least three times greater than the wealth and resources of all the states which ultimately came under the flag of the Stars and Bars.

An organized central government of the seceded states had not been established and there was no president or congress of the Confederacy. Outside of military circles, the name of Robert E. Lee was probably unknown to 90% of Texas citizens. The name "Stonewall" Jackson had not yet been coined, as the man who was later to receive that well deserved name was then an obscure professor in a college in Virginia. There was no Texas army, and obviously it would be difficult and costly to organize and equip one.

All of these discouraging circumstances and many others were well known to the delegates to the Texas Secession Convention. The circumstances called for courageous leadership of a high order, and it was forthcoming.

Among those who took part in the

proceedings of the Secession Convention of 1861 were the Hon. John Ireland, later governor of Texas. The Hon. O. M. Roberts, also later governor, was its presiding officer. The Hon. Joseph L. Hogg, father of James Stephen Hogg, was a member. The Hon. John H. Reagan, later a member of the cabinet of Jefferson Davis and still later a United States Senator, was among the leaders of the convention. Other names were Gregg, Oldham, and Ochiltree, for whom Texas counties have been named.

The debate in the Secession Convention of 1861 brought out clearly that its members were deeply concerned with principles. They did not look forward to a war of conquest or to the subjugation of new territory which might be exploited for their economic benefit. But nearly all of the members of the convention firmly believed in the right of self-determination by a sovereign state as to the course it desired to follow. Their actions indicated that they were willing to risk both life and property for the basic principles in which they believed. Unfortunately, some of them were to lose both in the terrible struggle which followed.

This struggle has been properly described by no less eminent a historian than Sir Winston Churchill as being "the noblest war of all," for it was a war where families were often divided, and brother fought against brother for principle and not for profit. At its conclusion a defeated people were unjustifiably exploited, sometimes by those who had had little part in the actual struggle. This period of so-called reconstruction, and not the war itself, was largely the source of the bitterness which has prevailed in some degree even to this one hundredth year and a day since Texas, through its elected delegates, chose to cast its lot with sister states in what later became the Confederate States of America.

Mr. President, I have no desire to perpetuate the rancor and the hatred which followed the War of 1861-65, but I do sincerely believe that we should today pause to emphasize that principle and not conquest was the strongest guiding motive of those Texans who adopted the secession ordinance in this city on February 1, 1861.

Mr. President and Members of the Senate, I thank you for the opportunity to make these remarks today.

Remarks of Senator Moffett Ordered Printed in Senate Journal

On motion of Senator Willis and by unanimous consent the remarks of Senator Moffett relating to the Centennial of the Adoption of the Texas Ordinance of Secession was ordered printed in the Senate Journal.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 14, Inviting Mr. Howard E. Butt, Jr. to speak to a Joint Session of the Texas Legislature on February 1, 1961.

H. C. R. No. 10, Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States relative to balancing the expenditures of the income of the Government of the United States.

H. C. R. No. 14, Inviting the Honorable Sam Rayburn to speak to a Joint Session of the House and Senate at his earliest convenience.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 47

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Girl Scout Troop No. 919 with their leader, Mrs. Paul Stagg; Troop No. 705 with their leader, Mrs. C. H. Muse, and Messrs. J. E. Shaver and Frances Buckhaults; and Troop No. 786 with their leader, Mrs. R. M. Garrett, co-leader, Mrs. George Dabney, and Committee Mother, Mrs. Leon Cranford, all of Conroe, Montgomery County, Texas; and

Whereas, The presence of these young people is evidence of their interest in better citizenship and governmental affairs. They are seeking to broaden their knowledge and experience by a visit to the State Capitol and other places of interest in the Capital City; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 48

Senator Colson offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, the third grade of the Highland Park School of Austin, Texas, accompanied by their teacher, Mrs. Quantock, and five parents; and

Whereas, The presence of these young people is evidence of their interest in better citizenship and governmental affairs. They are seeking to broaden their knowledge and experience by a visit to the State Capitol; and

Whereas, We are delighted that these fine young American citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them in recognition and appreciation of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 49

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, U. S.

Air Force Language School (Lackland AFB); and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the guests to the Members of the Senate.

Report of Standing Committee

Senator Krueger submitted the following report:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 124, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

KRUEGER, Chairman.

Senate Bill 124 Ordered Not Printed

On motion of Senator Weinert and by unanimous consent S. B. No. 124 was ordered not printed.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 135, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred S. B. No. 136, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 62, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 122, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 139, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Baker submitted the following reports:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 18, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

BAKER, Chairman.

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BAKER, Chairman.

Senate Bill 62 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 62 was ordered not printed.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 143, A bill to be entitled "An Act providing that any person who begets or conceives more than one illegitimate child, as herein defined, shall be guilty of a misdemeanor; fixing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senators Ratliff and Creighton:

S. B. No. 144, A bill to be entitled "An Act to amend Section 7 of Chapter 66, Acts of the 54th Legislature and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 145, A bill to be entitled "An Act relating to independent examinations of state credit unions, regulation of their bonds, authorization of membership officers, authorization of loan officers and authorization of dividends and credits for state credit unions; amending Articles 2465, 2470, 2471 and 2482 of Vernon's Texas Civil Statutes, as amended, so as to authorize the Banking Commissioner to cause credit unions to have an independent examination by any certified public accountant or licensed public accountant, as well as one or more

credit union examiners; so as to require that every person appointed or elected by any credit union to any position requiring the receipt, payment of money or other personal property owned by a credit union, or in its custody or control as collateral or otherwise, give bond by a corporate surety company and to provide for the Banking Commissioner to regulate such bonding; to provide for appointment of a membership officer who may be authorized by the board of a state credit union to approve applications for membership under such conditions as the board may prescribe, with a certain limit; to authorize the credit committee of a state credit union to appoint one or more loan officers and delegate to him or them the power to approve loans up to a certain limit, a record of whose action shall be furnished to the credit committee within seven days of action thereupon; and to provide that dividend credit for a month may be accrued on shares which are or become fully paid up during the first ten days of that month; providing for severability; and declaring an emergency."

To the Committee on Banking.

By Senator Herring:

S. B. No. 146, A bill to be entitled "An Act to amend Articles 2324, Revised Civil Statutes of Texas, 1925, as amended; providing the powers and duties of Official Court Reporters and fixing fees to be paid Official Court Reporters; making other provisions relating thereto; prescribing penalties for overcharges; providing severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 147, A bill to be entitled "An Act amending Subsection 6 of Section VIII of Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended by Chapter 24, Acts of the Regular Session of the 51st Legislature; and declaring an emergency."

To the Committee on State Affairs.

By Senator Baker:

S. B. No. 148, A bill to be entitled "An Act amending Section 5 of Chapter 68, page 94, Acts of the 48th Legislature, Regular Session, 1943,

as amended, and codified as Article 5172a of Vernon's Civil Statutes, providing for the limiting of hours of labor and the prescribing of wages for overtime labor for certain female employees; repealing all laws in conflict; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senators Patman, Krueger, Herring and Schwartz:

S. B. No. 149, A bill to be entitled "An Act creating the Commission on Organization of the Executive Branch of the Government to promote economy, efficiency, and improved services in the transaction of the public business; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 150, A bill to be entitled "An Act providing for State aid to cities and counties in the training of peace officers; creating within the Executive Department of the State of Texas, a Commission to be known as the 'Commission on Peace Officers Standards and Training' and providing for its composition and organization; providing for service of certain State officers as ex-officio members of the Commission and for the qualifications of members to be appointed by the Governor; defining the purposes and powers of the Commission; creating in the State Treasury a Peace Officers Training Fund, to be administered by the Commission in carrying out the purposes of this Act; levying an assessment on fines, costs, penalties and forfeitures, including forfeitures of bail, imposed and collected for criminal offenses, with certain exceptions, and providing for deposit of such assessments in the Peace Officers Training Fund; providing for reimbursement from said Fund to cities and counties qualifying for State aid, as provided in this Act, in the training of peace officers; making appropriations for the administration of this Act; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 151, A bill to be entitled "An Act providing for determination, establishment and payment of pre-

vailing scale of wages to all workers who perform labor on public work and for maximum hours of work by all such workers; declaring public policy and purpose of such provisions; defining terms; providing rights of workers on public work; providing duties of Commissioner of Bureau of Labor Statistics to determine prevailing scale of wages and wage area and to administer and enforce provisions of this Act; providing for judicial review of such determinations; creating duties of employers on public work and of public bodies awarding contracts for public work; defining offenses and penalties necessary and incident thereto; providing severability; repealing conflicting laws; and declaring an emergency."

To the Committee on Labor and Management Relations.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 14, Inviting Howard E. Butt, Jr., to address a Joint Session of the Legislature.

Co-Author of Senate Bill 77

Senator Creighton asked unanimous consent to be shown as co-author of S. B. No. 77.

There was no objection offered.

Co-Author of Senate Bill 3

Senator Gonzalez asked unanimous consent to be shown as co-author of S. B. No. 3.

There was no objection offered.

Co-Author of Senate Bill 40

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 40.

There was no objection offered.

House Concurrent Resolution 14 On Second Reading

On motion of Senator Roberts and by unanimous consent the regular order of business was suspended to take up for consideration at this time on its second reading:

H. C. R. No. 14, Inviting the Honorable Sam Rayburn to address a Joint Session of the Legislature at his earliest convenience.

The resolution was read and was adopted.

Message from the Governor

The following message received from the Governor today was read and referred to the Committee on Nominations:

Austin, Texas,
February 1, 1961.

To the Senate of the Fifty-Seventh Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Presiding Judge of the Second Administrative Judicial District:
Max M. Rogers of Huntsville, Walker County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

Joint Session

(To hear the address of
Mr. Howard E. Butt, Jr.)

The President announced at 10:43 o'clock a.m. that the time had arrived pursuant to the provisions of S. C. R. No. 14 for the Joint Session to hear the address of Mr. Howard E. Butt, Jr.

The President Pro Tempore of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President Pro Tempore was invited to occupy a seat on the Speaker's Stand.

The President Pro Tempore called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order, and announced a quorum of the House present.

Mr. Butt, Jr., and party were announced by the Doorkeeper of the House.

Mr. Butt's party was escorted to the Speaker's rostrum by Senators Reagan, Crump, Secrest, Krueger and Patman, on the part of the Senate, and Representatives Bridges, Hale, Glusing, Peeler, Mullen, Andrews and Struve, on the part of the House.

The Speaker of the House announced the purpose of the Joint Session and presented the Honorable Ronald W. Bridges to the Joint Session.

Mr. Bridges presented Mr. Howard E. Butt, Jr., of Corpus Christi to the Joint Session.

Mr. Butt then addressed the Joint Session.

The Speaker of the House then presented the Honorable L. Dewitt Hale of Corpus Christi and he presented the following members of Mr. Howard E. Butt, Jr.'s, party to the Joint Session:

His father and mother, Mr. and Mrs. Howard E. Butt, Sr., and his sister, Mrs. William H. Crook of San Marcos.

The President Pro Tempore announced the business of the Joint Session concluded and requested the Senate to retire to its Chamber.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:55 o'clock p.m. today.

Executive Session

On motion of Senator Dies and by unanimous consent, the Senate agreed to hold an Executive Session at 12:56 o'clock p.m. today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Assistant Adjutant General, to fill the unexpired term of Brigadier General William H. Martin, resigned: Brigadier General Thomas S. Bishop of Austin, Travis County.

To be a Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries, for a two-year term to expire August 8, 1962: Stanley E. Ridley of Brownsville, Cameron County.

To be a Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries, for a two-year term to expire January 10, 1963: Joseph A. Kelly of Brownsville, Cameron County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire January 4, 1963: Charles W. Barfield of Houston, Harris County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire October 9, 1961: Carl Joseph Bromley, Jr. of Corpus Christi, Nueces County.

To be Branch Pilots for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire November 4, 1961: Anton Thomas Mathews of Corpus Christi, Nueces County; John Robert DeForest of Corpus Christi, Nueces County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire December 1, 1961: Harold Percy Lister, Jr., of Corpus Christi, Nueces County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire January 13, 1962: Ollin Sheppard of Corpus Christi, Nueces County.

To be Branch Pilots for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire March 26, 1962: John O. Teller of Corpus Christi, Nueces County; Robert J. Haywood, Jr., of Corpus Christi, Nueces County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire May 31, 1962: Frederick J. Herbert of Corpus Christi, Nueces County.

To be a Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire June 1, 1962: John Frederick Mathisen of Corpus Christi, Nueces County.

To be Branch Pilots for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for a two-year term to expire August 12, 1962: Max J. Luther, Jr., of Corpus Christi, Nueces County.

To be Branch Pilots for the Brazos River and Bar, for two-year terms to expire November 29, 1962: Alvin A. Miller of Freeport, Brazoria County; Kenneth Gonzales of Freeport, Brazoria County.

To be Branch Pilots for the Port of Galveston and Texas City, for two-year terms to expire August 29, 1961: Robert W. Howard of Galveston, Galveston County; George W. Crosby of Galveston, Galveston County; Ralph M. Watson of Galveston, Galveston County; Harold F. Johnson of Galveston, Galveston County.

To be Branch Pilots for the Port of Galveston and Texas City, for a two-year term to expire November 7, 1961: Charles H. Heidrick of Galveston, Galveston County (deceased).

To be Branch Pilots for the Port of Galveston and Texas City, for two-year terms to expire March 6, 1962: Richard C. McMains of Galveston, Galveston County; Charles H. Teller of Galveston, Galveston County.

To be Branch Pilots for the Port of Galveston and Texas City, for a two-year term to expire September 10, 1962: Kent O. Barton of Galveston, Galveston County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire August 5, 1961: J. F. Johnson of Houston, Harris County; R. E. Wicker of Houston, Harris County; J. W. Pearson of Houston, Harris County; Paul Collie of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire August 14, 1961: Elmer C. Bell of Houston, Harris County.

To be Branch Pilots for the Galves-

ton Bar and Houston Ship Channel, for two-year terms to expire October 7, 1961: Robert E. Adams of Houston, Harris County; Charles C. Lary, Jr., of Houston, Harris County; T. N. Lightsey, Jr., of Houston, Harris County; B. F. Mahaffey of Houston, Harris County; P. J. Neely, Jr., of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire November 4, 1961: E. B. Mercer, Jr., of Houston, Harris County; T. H. Bratcher of Houston, Harris County; LeRoy Arthur of Houston, Harris County; Coney Townsend McMains of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire January 6, 1962: J. C. Wall of Houston, Harris County; Lewis Bennett of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire February 3, 1962: Paul A. Galler of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire February 12, 1962: Fred A. Parker of Houston, Harris County; W. W. Steinhort of Houston, Harris County; Jack E. Rowland of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire March 3, 1962: Arthur S. Borup of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire March 5, 1962: Curtis W. Burlison of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire April 2, 1962: Harold B. Willis of Houston, Harris County; A. T. Gibson of Houston, Harris County; Jack Vetter of Houston, Harris County; Philip Pizzitola of Houston, Harris County; R. D. Moss of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire

May 7, 1962: L. R. Murray, Jr., of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire June 23, 1962: Zane Skinner of Houston, Harris County; R. S. Aguiard of Houston, Harris County.

To be a Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire September 7, 1962: John B. Niday, Jr., of Houston, Harris County.

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire December 3, 1962: W. C. Nixon of Houston, Harris County; Neill W. Ray of Houston, Harris County; T. E. Longino of Houston, Harris County.

To be Judge of the District Court of the 118th Judicial District, to fill the unexpired term of Judge Charlie Sullivan, resigned: Ralph W. Caton of Big Spring, Howard County.

To be Judge of the District Court of the 99th Judicial District, to fill the unexpired term of Judge James G. Denton, resigned: Howard C. Davison of Lubbock, Lubbock County.

To be Judge of the District Court of the 85th Judicial District, to fill the unexpired term of Judge W. T. McDonald, resigned: John M. Barron of Bryan, Brazos County.

To be members of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for six-year terms to expire July 3, 1965: O. R. Stark of Quitaque, Briscoe County; Carl Hill of Parnell, Hall County.

To be members of the Egg Marketing Advisory Board, for six-year terms to expire September 27, 1965: T. D. Craddock of Hamilton, Hamilton County; G. F. Siebel of Burton, Washington County; Victor A. Jumpser of Paris, Lamar County.

To be members of the Board of Directors of Lavaca County Flood Control District No. 3, for two-year terms to expire January 1, 1963: Robert Pesek of Hallettsville, Lavaca County; Robert Gindler of Hallettsville, Lavaca County.

To be members of the Board of Directors of the Central Colorado River

Authority, for six-year terms to expire January 1, 1967: Cal Averett of Coleman, Coleman County; H. E. Evans of Talpa, Coleman County; George Pauley of Valera, Coleman County.

To be a member of the Board of Directors of the Upper Colorado River Authority, to fill the unexpired term of Rufus W. Foster, deceased, term to expire January 1, 1963: Jack Douthit of Sterling City, Sterling County.

To be Judge of the District Court of the First Judicial District, to fill the unexpired term of Judge Joe Fisher, resigned: O'Neal Bacon of Newton, Newton County.

To be District Attorney of the First Judicial District, to fill the unexpired term of O'Neal Bacon, resigned: William E. Carroll of Jasper, Jasper County.

To be a member of the Board of Directors of the Dallas County Flood Control District, for a six-year term to expire September 4, 1965: Marion B. Solomon of Dallas, Dallas County.

To be members of the Board of Directors of the Upper Guadalupe River Authority, for six-year terms to expire January 1, 1965: T. Jasper Moore of Ingram, Kerr County; E. C. Parker of Kerrville, Kerr County.

To be Judge of Domestic Relations Court Number Two, Dallas County: John Mead, Jr., of Dallas, Dallas County.

To be Associate Justice of the Court of Civil Appeals for the Fifth Supreme Judicial District, to fill the unexpired term of Judge William M. Cramer, resigned: H. Bascom Thomas of Dallas, Dallas County.

To be Judge of the District Court of the 160th Judicial District, to fill the unexpired term of Judge C. V. Milburn, resigned: Hoyet A. Armstrong of Dallas, Dallas County.

To be Judge of Domestic Relations Court Number Two, Harris County, to fill the unexpired term of Judge John L. Compton, resigned: Wendell A. Odom of Houston, Harris County.

To be Judge of the District Court of the 151st Judicial District, to fill the unexpired term of Judge Tom F.

Coleman, Jr., resigned: John L. Compton of Houston, Harris County.

To be District Attorney of the 81st Judicial District, to fill the unexpired term of Richard L. Dobie, deceased: J. Taylor Brite of Jourdan, Atascosa County.

To be a member of the State Seed and Plant Board, for a two-year term to expire October 6, 1961: Dr. A. W. Young of Lubbock, Lubbock County.

To be a member of the State Seed and Plant Board, for a two-year term to expire October 6, 1962: Owen Gilbreath of Lubbock, Lubbock County.

To be a member of the State Seed and Plant Board, for a one-year term to expire October 6, 1960: Owen Gilbreath of Lubbock, Lubbock County.

To be members of the Board of Directors of the Guadalupe-Blanco River Authority, as designated by the Board of Water Engineers, for six-year terms to expire February 1, 1965: Hartwell J. Kennard of Gonzales, Gonzales County; Zeb H. Fitzgerald of San Marcos, Hays County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 1:13 o'clock p.m. today.

Report of Standing Committee

Senators Rogers by unanimous consent submitted the following report:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senate Bill 135 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 135 was ordered not printed.

Senate Bill 136 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 136 was ordered not printed.

Adjournment

On motion of Senator Hardeman the Senate at 1:18 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of Ernest Lynn Kurth

Senator Dies offered the following resolution:

(Senate Resolution 46)

Whereas, On Wednesday, October 26, 1960, the County of Angelina and the State of Texas lost an esteemed citizen in the passing of Ernest Lynn Kurth; and

Whereas, Mr. Kurth was born on July 25, 1885, at Kurth Station, Polk County, Texas; and

Whereas, Following the purchase of the lumber camp at Keltys, Texas in 1887 by his father, J. H. Kurth, Sr., he moved to Angelina County, Texas; and

Whereas, He was educated in the public schools of Lufkin and Southwestern University at Georgetown, Texas, and in 1917 returned to Keltys to become Vice-President and General Manager of the lumber company; and

Whereas, He was widely engaged in many business activities, including banking and foundry, as well as many civic affairs; and

Whereas, In 1936 he met Dr. Charles Herty of Georgia at a Chemurgic Conference in Beaumont, Texas, and Mr. Kurth's inquisitive mind led him to the scrutiny of Dr. Herty's untried process for the manufacture of newsprint out of southern yellow pine, a process which had only been tried in the laboratory; and

Whereas, The newsprint business at that time was dominated by Canadian and Northern manufacturers and Ernest Lynn Kurth quickly saw if Dr. Herty's process would work it would open up a completely new industry for East Texas and the South by providing a market for young growth of pine twelve to fourteen years; and

Whereas, To carry out this project, Ernest Lynn Kurth and his associates had to raise \$8,500,000 to match a loan in the same amount by the Reconstruction Finance Corporation, which necessitated his pledging many of his own assets and those of his brothers and friends; and

Whereas, When Ernest Lynn Kurth and his associates were within half a million dollars of sufficient funds, Ted Dealey, E. K. Gaylord and other publishers in the Southwest induced newspapers to take that amount of stock; and

Whereas, Largely through the tireless and determined efforts of Ernest Lynn Kurth, the construction on the Southland Paper Mills, Incorporated, was begun in 1938 and on January 17, 1940 the first roll of newsprint came off the machine, a date which was a milestone in the economy of East Texas and the South; and

Whereas, In 1949 Mr. Kurth was selected as the Man of the South for that year, was one of the founders of Memorial Hospital in Lufkin, Texas, a founder of the Kurth Radiation Center, past President of the Lufkin School Board, past President of the Lufkin Chamber of Commerce, past President of the East Texas Chamber of Commerce, a holder of the Mexican Order of the Aztec Eagle, the highest honor bestowed by Mexico upon a national of another country and the recipient of numerous awards and honors, too numerous to herein set out; and

Whereas, The last twenty years of his life, Mr. Kurth made a gallant and heroic fight against cancer in the best tradition of American courage; and

Whereas, His efforts and achievements have exerted and will continue to exert great influence on the economy of the East Texas area and the nation in general; now therefore, be it

Resolved, That when the Senate adjourns today, it do so in respect to Ernest Lynn Kurth, and that a copy of this resolution be sent to his family as a tribute from the Texas Senate.

DIES

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Fuller, Gonzalez, Hardeman, Haslewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Hudson and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of
Dr. Henry W. Stilwell

Senator Aikin offered the following resolution:

(Senate Resolution 50)

Whereas, God in His infinite wisdom, called from his earthly labors a great Texan and an outstanding educational leader, Dr. Henry W. Stilwell, who passed away on November 29, 1959, in Texarkana, Texas; and

Whereas, Dr. Stilwell was born on a farm near Lone Oak, Texas, in August, 1886. He worked as a boy on the farm operated by his father, who also was a country school teacher. He completed school at Lone Oak in 1902 and entered the University of Texas, receiving his Bachelor of Arts degree from the University in 1909 as a Phi Beta Kappa scholar. He later received his Master of Arts degree from the University of Texas in 1919 and in May, 1943, the degree of Doctor of Laws was conferred upon him by Southwestern University at Georgetown, Texas; and

Whereas, His teaching career spanned half a century, beginning at Waxahachie in 1909. He later taught at the University of Texas, College of Industrial Arts, was principal of Amarillo High School, taught at West Texas State Teachers College, was principal of Tyler High School, and in 1920 became Superintendent of Schools at Texarkana. From July 1, 1955, he served as the first full-time president of Texarkana College, and for 28 years prior to that time served in the dual capacity of superintendent of public schools and president of the college; and

Whereas, Dr. Stilwell was recognized throughout Texas and the nation as a leader in the growth and promotion of better education for all. He was extremely active in the Texas State Teachers Association, serving as state president of that organization in 1932-33. He had been a member of the TSTA Legislative Committee for the last 25 years prior to his death, most of that time as Chairman. The day before his death he had presented his committee's report to the TSTA House of Delegates in session in San Antonio. He was among the 130 school superintendents on the O'Daniel Committee on Reorganization of Schools. He served as a member of the Gilmer-Aikin Commission, which set up the present school program in Texas, and he also was a member of the Hale-Aikin State Committee of 24, which prepared recommendations designed to continue improvements in Texas public schools; and

Whereas, Dr. Stilwell was an outstanding member of his community and never shirked the call of service. He served as president of his Rotary Club and was district governor of that organization; he was president of the Caddo Council of the Boy Scouts of America, Community Chest, YWCA, United Charities, and twice he headed the United Fund drive for Bowie and Miller County. He also served as president of the Palmer Foundation for promotion of the Golden Rule. He was a great layman of the Methodist Church, and his Sunday School lessons were masterpieces of logic and spiritual thought. The Texarkana Gazette said of Dr. Stilwell: "Few men have made a greater impact upon the scholastic, social, religious and political life of this city than this great man."; and

Whereas, He leaves surviving him his wife, Jessie Maud Stilwell; a daughter, Mrs. Harvey S. Williams of Austin; two sons, Henry W. Stilwell, Jr., of Texarkana, and Thomas H. Stilwell of Austin; and nine grandchildren; a sister, Mrs. F. A. Florence of New London; two nieces and two nephews; now, therefore, be it

Resolved, That the Senate of Texas desires to pay tribute to the memory of one of Texas' most outstanding citizens; and, be it further

Resolved, That when the Senate adjourns today, it do so in honor and respect to this great and good man; and that copies of this resolution be forwarded to the surviving members of his family.

AIKIN

Signed—Ben Ramsey, Lieutenant Governor; Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.